

REMARKS

This communication is responsive to the Office Action mailed August 10, 2005.

Claims 1 and 3-12 are rejected based on the doctrine of obviousness-type double patenting. Specifically, the claims are rejected over various claims of US Patent No. 6,799,753 ("the '753 patent") in view of either Bretaudeau ('498) or JP 2000-65121 ('121). The Examiner contends that it would have been obvious to have made the projection 106 of the '753 patent into two halves, with the dimensions and orientation as claimed, in view of the teachings of '498 or '121. Applicant respectfully traverses the rejection.

The presently recited subject matter has been developed in order to address an issue with the suspension-type fluid filled vibration damping mount. That is, the suspension-type fluid filled vibration damping mount exhibits deterioration in its damping performance with respect to vibration radially applied thereto, due to the resonance effect of the fluid flowing through the annular region defined between the central portion of the elastic body and the cylindrical portion of the second mounting member. For example, see paragraph [0009] of Applicant's specification, where this issue is discussed.

To address this issue, the suspension-type fluid filled vibration damping device as set forth in claim 1 includes the following structural features:

(a) a restricting projection bonded to the partition member is projected into the pressure receiving so as to extend circumferentially while being spaced away from the elastic body and the second mounting member; and

(b) the restricting projection is divided in the circumferential direction into two restricting projections each having an angular length smaller than 180 degrees about a center axis of the second mounting member.

To address the issue of deterioration in the damping performance of the damping device caused by resonance effect of the fluid flowing through the annular region, the above-described feature (a) is employed to minimize a mass of the fluid flowing, thereby preventing or minimizing the resonance effect of the fluid flowing (see page 6, lines 24-30 of the specification). Furthermore, the above-described feature (b) is also employed so that each restricting projection is readily deformable, thereby facilitating disturbance of flows of the fluid. Accordingly, the resonance action of the fluid flowing the annular region can be further effectively prevented. Thus, the object of the present invention is remarkably achieved in comparison with the case of the prior art.

It is true, the '753 discloses the above-described feature (a). However, the '753 patent fails to disclose or suggest the above-described feature (b). Put simply, the disclosure of the '753 patent is based on the idea to shift the resonance frequency of the fluid flowing through the annular region by reducing the mass of the flowing fluid (see column 4, lines 5-18 of U.S. Patent No. 6,799,753). In accordance with this aim, i.e., to reduce the mass, the restricting projection 84 extends substantially around the entire circumference about the second mounting member (see FIG. 8 of the '753 patent). As long as the invention is based on such an idea, there is nothing motivating a person skilled in the art to cut away a portion of the restricting member. In fact, such cutting away would appear to be counterintuitive.

In other words, employing the above-described feature (b) on the basis of the '753 patent is beyond the common knowledge of the skilled in the art at the time of the invention. By employing the feature (b), which is contrary to the idea of the '753 patent, the unexpected remarkable effect can be achieved to prevent or minimize the deterioration of the damping performance of the vibration damping device with respect to the radial vibration.

The Examiner contends that '498 or '121 are evidence that "it is notoriously well known in the art to make singular parts plural and vice versa as a matter of obvious engineering choice of design – or in this art – to damp vibrations in a particular frequency range or in a particular direction. However, '498 and '121 disclose rigid or restricted obstacles and, thus, fail to disclose or suggest the idea to divide the obstacle to make the obstacle readily deformable. As discussed above, the '753 patent never anticipates or suggests dividing the restricting projection. In addition, the secondary references fail to teach the idea to divide the obstacle to make it readily deformable. Therefore, it would not have been obvious for the skilled in the art to employ the feature (b) over the all cited references and, in any event, the presently-claimed subject matter is not yielded even if these references taken in combination.

For these reasons, then, it is respectfully submitted that the subject matter of claim 1 and the claims depending therefrom is not obvious in view of the cited claims of the '753 patent.

Conclusion

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP



Alan S. Hodes
Reg. No. 38,185

P.O. Box 70250
Oakland, CA 94612-0250
(650) 961-8300